CWP No. 1314 of 2006

9.10.2007. Present: Mr.K.B.Khajuria, counsel for the petitioners.
Mr.M.S. Chandel, Advocate General, with Mr.R.M. Bisht, Dy.A.G., for the respondents.

The petitioners were earlier residents of village Bhadian. It appears that they shifted their residence and became permanent residents of village Kuphara and their names were stuck off from the record of Gram Panchayat Bhadian, as is evident from the copy of the Pariwar Register and Ration Card issued in their favour being residents of Village and Post Office Kuphara. The petitioners' names were excluded from the records of Gram Panchayat Kuphara on the ground that they have changed their residence. The petitioners filed the present writ petition challenging the order passed vide which their names were excluded from the record of the Gram Panchayat Kuphara as well as from the voter list without affording them any opportunity of being heard. They alleged that since they are permanent residents of Kuphara Panchayat, as such, their names are liable to be included in the records of the said Panchayat, but these were struck off without affording an opportunity of hearing to the petitioners. Hence the writ petition filed by the petitioners.

Respondents in their reply pleaded that on receipt of various complaints against the petitioners that the petitioners did not possess any house in Gram Panchayat Kuphara in their name and the fact that they were not residing in the village, the names of the petitioners were deleted from the Pariwar Register of Gram Panchayat Kuphara on the basis of the spot report of the Pradhan, Up Pradhan as well as of the Panchayat Secretary, after affording due opportunity to the petitioners of being heard.

The petitioners have denied these allegations and pleaded in their rejoinder that they were not given any opportunity to be heard.

Keeping in view the facts of the case and without expressing any opinion on the merits of the case, we dispose of the writ petition by passing the present order that SDO (Civil), Chamba shall hold an inquiry into the question as to whether the names of the petitioners are liable to be included in the Pariwar Register and panchayat records of Gram Panchayat Kuphara as well as in the voter list consequently. He shall conduct an inquiry and give his report and shall pass appropriate orders after hearing the petitioners and others concerned. The writ petition stands disposed of accordingly. No orders as to costs.

Copy be given Dasti.

(Deepak Gupta), J.

October 9, 2007. **(V.K. Ahuja), J.**

(TILAK)